

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X **Docket#**
UNITED STATES OF AMERICA, : 17-cr-00449-NGG-1
:
- versus - : U.S. Courthouse
: Brooklyn, New York
MIRSAD KANDIC, :
Defendant : November 1, 2017
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TRANSCRIPT OF CRIMINAL CAUSE FOR ARRAIGNMENT
BEFORE THE HONORABLE RAMON E. REYES, JR.
UNITED STATES MAGISTRATE JUDGE

A P P E A R A N C E S:

For the Government:

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1 THE CLERK: This is a Criminal Cause for
2 Arraignment on the Indictment, USA v. Mirsad Kandic, case
3 number 17-cr-449.

4 Counsel, please state your name for the record.

5 MS. KOMATIREDDY: Good afternoon, your Honor.

6 Saritha Komatireddy for the United States. I'm
7 joined by my colleagues, Tina Demas and Matthew Haggans.

8 THE COURT: Good afternoon.

9 MR. BRANDEN: Good afternoon, Judge.

10 Jim Branden, and present, this is Mr. Kandic to
11 my left.

12 THE COURT: Good afternoon.

13 THE DEFENDANT: Good afternoon.

14 THE COURT: Mr. Kandic, you're here today
15 because a grand jury has returned an indictment against
16 you charging you with certain crimes. The purpose of
17 this proceeding is to make sure that you understand the
18 charges pending against you, to make sure you understand
19 your rights as a defendant in a criminal case and that
20 you address the question of whether you should be held in
21 jail or released on bail pending your trial.

22 You have the right to remain silent. You do
23 not have to make a statement to anyone. If you start to
24 make a statement, you can stop at any time. If you've
25 made statements in the past, you are not required to make

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1 statements in the future.

2 Any statements that you do make can and will be
3 used against you in your case except for statements that
4 you make to your attorney. Those are privileged.

5 Do you understand?

6 THE DEFENDANT: Yes, I do.

7 THE COURT: You also have the right to be
8 represented by an attorney throughout your case and if
9 you can't afford an attorney, the Court will appoint one
10 to represent you.

11 I will appoint Mr. Branden to represent you
12 pending a review of your financial affidavit which I
13 believe is coming over from pretrial shortly. And if I
14 find that it's unacceptable, I will change that
15 appointment.

16 MR. BRANDEN: I don't think you're going to
17 find that, Judge, but --

18 THE COURT: Okay. I'll trust you, Mr. Branden.

19 Mr. Kandic, you've been charged in an
20 indictment issued by a grand jury in this district with
21 the following.

22 Count 1: conspiracy to provide material support
23 to a foreign terrorist organization.

24 Count 2: provision and attempted provision of
25 material support to a foreign terrorist organization.

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1 Count 3: provision and attempted provision of
2 material support to a foreign terrorist organization.

3 Count 4 is also provision and attempted
4 provision of material support to a foreign terrorist
5 organization, as is Count 5 and Count 6: provision and
6 attempted provision of material support to a foreign
7 terrorist organization.

8 There is also a criminal forfeiture allegation
9 contained in the indictment.

10 Have you seen a copy of the indictment?

11 THE DEFENDANT: Yes.

12 THE COURT: Have you discussed the charges with
13 your attorney?

14 THE DEFENDANT: Yes, I did.

15 THE COURT: Do you understand the charges?

16 THE DEFENDANT: Yes, I do.

17 THE COURT: Mr. Branden, you've had these
18 discussions with Mr. Kandic?

19 MR. BRANDEN: That's true.

20 THE COURT: Are you satisfied that he
21 understands the charges and his rights?

22 MR. BRANDEN: Yes.

23 THE COURT: Would you like me read the
24 indictment aloud?

25 MR. BRANDEN: No, we waive the public reading.

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1 THE COURT: How does Mr. Kandic plead to Counts
2 1 through 6?

3 MR. BRANDEN: Not guilty.

4 THE COURT: What is the government's position
5 with respect to bail?

6 MS. KOMATIREDDY: Your Honor, the government is
7 seeking a permanent order of detention. The defendant
8 has been charged with six counts of providing material
9 support to ISIS or conspiring to provide material support
10 to ISIS.

11 He has for three years now been operating from
12 his home base in Turkey as an ISIS logistician, an ISIS
13 facilitator, who provides the assistance and support and
14 logistics necessary for foreign fighters to go into and
15 out of Syria from countries around the world including
16 the United States.

17 In the process of doing so, he has used and
18 possessed fake identifications and used and possessed
19 multiple different aliases.

20 In addition, because of his conduct, the
21 defendant faces two counts that carry with them a
22 potential imprisonment term of life. The seriousness of
23 those charges, combined with his extensive ties to
24 contacts abroad both within ISIS and outside of that
25 terrorist network warrant a permanent order of detention.

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1 THE COURT: Mr. Branden, do you have a bail
2 package to present?

3 MR. BRANDEN: We do not.

4 THE COURT: I'll sign a permanent order of
5 detention with leave to reopen and present a bail package
6 in the future.

7 I have received a financial affidavit and I
8 just want to make sure that it's Mr. Kandic's. On the
9 bottom of this page, Mr. Kandic, there is a signature.
10 IS that your signature?

11 THE DEFENDANT: (No verbal response).

12 THE COURT: Mr. Kandic nodded affirmatively.

13 The financial affidavit looks in order. He is
14 entitled to court-appointed counsel. So Mr. Branden will
15 remain on the case.

16 Mr. Kandic, under the Constitution and laws of
17 the United States, you're entitled to a speedy trial by a
18 jury commencing within 70 days of today's date. If the
19 government fails to bring you to trial within 70 days,
20 that could be the basis for the motion to dismiss the
21 indictment that's been filed against you.

22 And if you would be successful in making such a
23 motion, the indictment would be dismissed and no charges
24 would go forward against you.

25 I understand from an application that's been

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1 given to me, that you wish to exclude from today through
2 November 20th, from the calculation of the 70-day period
3 in which you must be brought to trial for two reasons.
4 Number one, you're engaged in plea negotiations with the
5 government that may lead to a disposition of your case
6 without the need for a trial and two, your attorney needs
7 additional time to prepare for the case due to its
8 complexity. Is that correct?

9 THE DEFENDANT: Yes.

10 THE COURT: Do you understand your right to be
11 brought to trial within 70 days?

12 THE DEFENDANT: Yes, I do.

13 THE COURT: Has anyone threatened, forced or
14 pressured you to agree to this exclusion of time? Has
15 anyone threatened, forced or pressured you to agree to
16 exclude this time from the 70 days?

17 THE DEFENDANT: No, not that I remember.

18 THE COURT: Okay. You understand that if I
19 exclude this time now, you will not be able to argue
20 later on that it should be included in the 70-day
21 calculation.

22 THE DEFENDANT: Yeah. Yes.

23 THE COURT: Okay. I will sign the order of
24 excludable delay, finding that it's in the interest of
25 justice, the public and Mr. Kandic, as well.

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1 I take it you have a status conference with
2 Judge Garaufis on November 20th?

3 MS. KOMATIREDDY: Yes, your Honor.

4 THE COURT: What time?

5 MS. KOMATIREDDY: 2:30 p.m., currently.

6 THE COURT: Is there anything else?

7 MS. KOMATIREDDY: Nothing else, your Honor.

8 MR. BRANDEN: No, Judge, thank you.

9 THE COURT: Thank you.

10 MS. KOMATIREDDY: Thank you.

11 (Matter concluded)

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C E R T I F I C A T E

I, LINDA FERRARA, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this 27th day of December, 2017.


Linda Ferrara

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